IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

States of North Dakota, South Dakota, Nevada, and Texas,	)))	**ORDER**
Plaintiffs,	))	
vs.	))	
Regina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency,	))))	
Defendant.	))	Case No. 1:13-cv-109

The above action is a suit brought by plaintiff states against EPA for failing to promulgate

the final designations of all areas within each state for SO2 NAAQS within the statutory deadline.

The court held a Case Management/Scheduling Conference with the parties on January 13, 2014.

During the conference, the court was advised there is one case pending in a federal district court in

California brought by several environmental groups covering the same subject matter in which EPA

has been adjudged liable and presently before that court is the subject of what remedy the court will

impose. Several of plaintiff states in this action have been granted leave to intervene in that action.

The court was also advised that there is another that has been filed in another federal district court

in which that court has entered an order deferring that action pending resolution of the California

case.

During the telephone conference, EPA proposed a similar deferral in this case, which was

not agreed to by plaintiff states. Consequently, the court determined that the issue of whether this

case should be similarly stayed or deferred should be addressed first. Consequently, the court

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ORDERS:

    (1)   EPA shall have until February 14, 2014, to file a motion (along with a brief and any

            supporting documentation) to stay or otherwise hold this matter in abeyance pending

            resolution of the California action.

    (2)   Plaintiff states shall have until March 7, 2014, to file responses to the EPA's motion;

    (3)   EPA shall have until March 21, 2014, to file replies to the responses.

Dated this 13th day of January, 2014.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court

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